



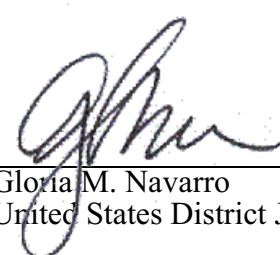
1 order, or failure to comply with local rules, the court must consider several factors: (1) the public's  
2 interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk  
3 of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and  
4 (5) the availability of less drastic alternatives. *Pagtalunan*, 291 F.3d at 642; *Thompson*, 782 F.2d at  
5 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61;  
6 *Ghazali*, 46 F.3d at 53.

7 The Court finds that the first two factors, the public's interest in expeditiously resolving this  
8 litigation and the Court's interest in managing the docket, weigh in favor of dismissal. The third  
9 factor, risk of prejudice to respondents, also weighs in favor of dismissal, since a presumption of  
10 injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court or  
11 prosecuting an action. *See Anderson v. Air West*, 542 F.2d 522, 524 (9<sup>th</sup> Cir. 1976). The fourth  
12 factor – public policy favoring disposition of cases on their merits – is greatly outweighed by the  
13 factors in favor of dismissal discussed herein. Finally, a court's warning to a party that his failure to  
14 obey the court's order will result in dismissal satisfies the "consideration of alternatives"  
15 requirement. *Pagtalunan*, 291 F.3d at 643; *Ferdik v. Bonzelet*, 963 F.2d at 1262; *Malone*, 833 at  
16 132-33; *Henderson*, 779 F.2d at 1424. The Court's order requiring petitioner to pay the filing fee  
17 within thirty days expressly stated: "Failure to do so may result in the dismissal of this action."  
18 (ECF No. 2, at p. 1). Thus, petitioner had adequate warning that dismissal would result from  
19 noncompliance with the Court's order.

20 **IT IS THEREFORE ORDERED** that this action is **DISMISSED WITH PREJUDICE**  
21 based on petitioner's failure to pay the filing fee in compliance with this Court's order of September  
22 20, 2013.

23 **IT IS FURTHER ORDERED** that the Clerk of Court shall enter judgment accordingly.

24 **DATED** this 1st day of November, 2013.

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Gloria M. Navarro  
United States District Judge